

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Brandy Welch and Heather Blackmun, on behalf  
of themselves and all others similarly situated,

Plaintiffs,

vs.

Golden Gate Casino, LLC dba Golden Gate  
Hotel & Casino, and Does 1 through 50,

Defendants

Case No.: 2:13-cv-01089-JAD-GWF

**Order**

This is a wage-dispute action by former employees of the Golden Gate Hotel & Casino. Plaintiffs first amended their complaint in September 2013, alleging claims against the Golden Gate and four other defendants: Desert Rock Enterprises, LLC, Mark Brandenburg, Derek Stevens, and Dave Tuttle. *See* Doc. 14. All defendants save Brandenburg responded with motions to dismiss the First Amended Complaint. *See* Docs. 20, 21, 46. Plaintiffs also filed a motion for Court Supervised Notice of their FLSA claims. Doc. 38.

The parties participated in a settlement conference and, although it did not result in the settlement of this case, it “was not unproductive.” Doc. 60 at 2. As a result of the settlement conference, Plaintiffs have elected to proceed only against Golden Gate, and on March 12, 2014, these remaining parties filed a Stipulation to File a Second Amended Complaint (Doc. 57), which drops all claims against the other defendants and some of Plaintiff Welch’s claims. Doc. 57-1. The


1 remaining parties' Stipulated Updated Discovery Plan and Scheduling Order (Doc. 60) also foretells  
2 Golden Gate's intention to file a new motion to dismiss based on the allegations in the Second  
3 Amended Complaint (Doc. 60 at 5, ¶ I) and the plaintiffs' intention to file a new version of their  
4 motion for court-supervised notice sometime in October 2014. *Id.* at ¶ J. Magistrate Judge Foley  
5 signed the Stipulated Updated Discovery Plan and Scheduling Order on March 26, 2014. *Id.* at 6.

6 Having reviewed the Stipulation to File the Second Amended Complaint (Doc. 57), and  
7 based upon the Stipulation of the remaining parties and the representations in the Updated Discovery  
8 Plan, **IT IS HEREBY ORDERED that the Stipulation to File Second Amended Complaint**  
9 **(Doc. 57) is approved; LEAVE IS GRANTED for the filing of the Second Amended Complaint**  
10 **(Doc. 57-1).**

11 **The Clerk of Court is instructed to file the Second Amended Complaint (Doc. 57-1)**  
12 **forthwith.**

13 The filing of the Second Amended Complaint moots all pending motions. "An amended  
14 complaint supercedes the original complaint and renders it without legal effect." *Lacey v. Maricopa*  
15 *Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012). When a complaint is amended during the pendency of the  
16 motion to dismiss, the motion to dismiss is rendered moot. The filing of the Second Amended  
17 Complaint moots all of the pending motions to dismiss (Docs. 20, 21, 46) and the motion for court-  
18 supervised notice (Doc. 38). And the remaining parties have already built into their scheduling order  
19 new deadlines for their revised and renewed versions of these requests. *See* Doc. 60. Accordingly,  
20 **IT IS FURTHER ORDERED that** Defendants Golden Gate Casino and David Tuttle's renewed  
21 Partial Motion to Dismiss (**Doc. 20**), Desert Rock's Renewed Motion to Dismiss (**Doc. 21**),  
22 Plaintiffs' Motion for Circulation of Notice Pursuant to 29 U.S.C. § 216(b) (**Doc. 38**), and Derek  
23 Stevens's Motion to Dismiss (**Doc. 46**) **are all DENIED** as moot and without prejudice to their  
24 reassertion at a later time.

25 DATED: April 1, 2014.

26  
27  
28   
JENNIFER A. DORSEY  
UNITED STATES DISTRICT JUDGE